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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,897	05/07/2001	George H. Newman	AFB00565	9978

7590 02/18/2004

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EXAMINER

PATEL, JAYANTI K

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,897

Applicant(s)

NEWMAN, GEORGE H.

Examiner

Jayanti K. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings filed on May 7, 2001 are approved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilk (US 5,544,651) in view of Giger et al. (US 5,931,780).

Regarding claim 1, Wilk discloses an automatic patient treatment medical system comprising: a first radiology step in which a patient is scanned by a radiology device to produce a first analog image of an area; a second radiology step in which patient is scanned by the radiology device to produce a second analog of the area (column 7, lines 5-14); a first conversion step in which the first analog image is converted into a first digital image signal which may be stored in the computer; and a second conversion step in which the second analog image is converted into a second digital image signal which may be stored in the computer (column 7, lines 15-38); a comparing step in which the computer identifies changes in the area by comparing the area first digital image signal with the second image signal (figure 3, element 54).

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Wilk discloses the area being imaged is various body organs without specifically being identified as area of interest.

In the same field of endeavor, however, Giger discloses a computerized radiographic imaging system comprising the areas being imaged are areas of interest (column 10, lines 20-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the area of interest as taught by Giger in the medical imaging system of Wilk because Giger provides Wilk with a routinely used medical process of comparing areas of interest to quantitatively determine the change in medical condition of a given body part. Additionally, such process being routine is further evidenced by the other prior art made of record in this office action.

As to claim 2, Wilk discloses a system wherein the first and second radiology steps are performed on X-ray machine (column 6, lines 3-10).

As to claims 3-4, Wilk discloses a system wherein the first and second radiology steps are performed on MRI or CAT machine (column 7, lines 5-15).

Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al. (US 5,751,837) discloses an X-ray CT scanner system having a plurality of X-ray scanner.

Lemelson et al. (US 5,878,746) discloses a computerized medical diagnostic system (figure 2, element 10).

Simanovsky et al. (US 6,026,143) discloses a system for detecting sheet objects in computed tomography data.

Ramsdell et al. (US 5,717,735) discloses a medical radiological and image processing system (figure 24).

Nambu et al. (US 6,196,715) discloses an X-ray diagnostic system (figure 68, elements 207, 210 and 212).

Stapleton et al. (US 5,803,082) discloses a multimodal, multispectral medical image processing system.

Lemelson (US 6,058,323) discloses a system for treating select tissue of a patient (figure 1, element 10).

Von Gutfeld et al. (US 6,245,005) discloses a system for facilitating radiation treatment of deep tumors (figure 1).

Vesely et al. (US 5,797,849) discloses a system for carrying out a medical procedure using a three-dimensional tracking and imaging system (figure 16).

Soltani et al. (US 5,124,558) discloses an imaging system for mammography employing electron-trapping materials.

Read et al. (US 4,563,768) discloses a mammographic device.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jayanti K. Patel whose telephone number is (703) 308-

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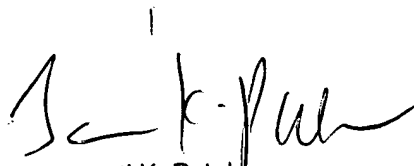
7728. The examiner can normally be reached on Monday-Friday (7:00-4:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JKP

February 12, 2004


Jayanti K. Patel
Primary Examiner